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February 1, 1999

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FEB - 1 1999

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

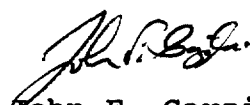
Re: Amendment of Section 73.202(b)  
FM Table of Allotments  
(Cherry Valley and Cotton Plant, Arkansas)  
MM Docket No. 98-223, RM-9340

Dear Ms. Salas:

Transmitted herewith on behalf of Bobby Caldwell is an original and four copies of his counterproposal to the proposal to allot FM Channel 257A to Cherry Valley, Arkansas. This counterproposal is respectfully directed to the Chief, Allocations Branch.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosure

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEB - 1 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 98-223
Table of Allotments	)	RM-9340
FM Broadcast Stations	)	
(Cherry Valley and	)	
Cotton Plant, Arkansas)	)	

To: Chief, Allocations Branch

**COUNTERPROPOSAL**

Bobby Caldwell, by his attorneys, pursuant to Notice of Proposed Rule Making, DA 98-2495, released December 11, 1998, hereby submits its counterproposal to the proposal to allot FM Channel 257A to Cherry Valley, Arkansas.<sup>1/</sup> In support thereof, the following is submitted:

1. Bobby Caldwell proposes that Channel 257A be allotted to Cotton Plant, Arkansas as a first local transmission service.<sup>2/</sup> Cotton Plant, Arkansas (population 1,150 persons, 1990 U.S. Census) is an incorporated community with no present radio transmission service.

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<sup>1/</sup> The comment date established in the Notice of Proposed Rule Making was February 1, 1999. Accordingly, this counterproposal is timely filed.

<sup>2/</sup> Channel 257A may be allotted to Cotton Plant, Arkansas at reference coordinates 11.8 kilometers southeast of the community at 34° 55' 47" North Latitude, 91° 09' 44" West Longitude. As shown in the attached technical report of Charles M. Anderson, this reference site will provide a 70 dBu city-grade coverage over the entire community of Cotton Plant.

2. Bobby Caldwell hereby states his present intention to apply for the channel if it is allotted, and if authorized, to build a station promptly.

3. The allotment of Channel 257A to Cotton Plant is to be preferred over an allotment of Channel 257A to Cherry Valley. Cotton Plant, with a 1990 census population of 1,150, has almost twice the population of Cherry Valley. Yet, neither community has a first local transmission service. As shown in the attached technical report of Charles M. Anderson, Cherry Valley is a fully served community which receives at least six full-time reception services. In Blanchard, Louisiana and Stephens, Arkansas, 10 FCC Rcd 9828 (1995), the Commission stated that:

In a choice among competing counterproposals both involving priority 3 (first local service), the Commission has uniformly made the decision based on population difference and a comparison of reception services. And, where it is found that neither community falls below a threshold level of reception services, the Commission has based its decision on a straight population comparison.

Reception areas that receive at least five radio services are considered to be well served. See Geneseo, Illinois, 11 FCC Rcd 11575, note 4 (1996). Therefore, no preference should attach to Cherry Valley for any lack of reception service. And a preference should attach to Cotton Plant for its larger population.

4. As shown in the attached exhibit, the community of Cotton Plant consists of a number of governmental and business entities. The public interest will be well served by the allotment of Channel 257A to Cotton Plant as it will provide new FM


aural service to an area of 2,516 square kilometers and a population of 15,126 persons (1990 Census).

WHEREFORE, for the reasons above, FM Channel 257A should be allotted to Cotton Plant, Arkansas.

Respectfully submitted,

**BOBBY CALDWELL**

By: \_\_\_\_\_

  
John F. Garziglia  
His Attorney

Pepper & Corazzini, L.L.P.  
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Washington, D.C. 20006  
(202) 296-0600

February 1, 1999

## **TECHNICAL REPORT**

This technical report has been developed in support of a petition for rulemaking and as a counterproposal to the pending Cherry Valley, AR Notice of Proposed Rulemaking requesting the assignment of FM channel 257A (99.3 MHZ) as a first local service to the community of Cotton Plant, AR with a 1990 population of 1,150 rather than at Cherry Valley. Exhibit E-1 demonstrates that the two proposals are mutually exclusive. Furthermore, Cotton Plant's population of 1,150 is substantially greater than the Cherry Valley 1990 population of 659.

### **I. ALLOCATION ANALYSIS**

Exhibit E-1 demonstrates that 257A may be assigned to Cotton Plant, AR (N35-00-25 W 91-15-05) at an arbitrary reference point 11.8 km southeast (136 degrees True) at coordinates:

**N 34-55-47 W 91-09-44.**

This site is in full compliance with Section 73.207 separation requirements. Exhibit E-2 confirms that the proposed 257A allocation will provide a 70 dBu over the entire community of Cotton Plant. A plot of the intervening terrain utilizing the V-Soft PLOTPATH program and a 3 second terrain database demonstrates line of sight between the reference point and the city of allocation.

Exhibit E-4 shows that the community of Cherry Valley currently receives six operating full-time 60 dBuaural services (8 if two CPs are counted).

1.	KFIN	300C1	Jonesboro, AR
2.	KTRQ-FM(CP)	272C2	Brinkley, AR
3.	KJMS	268C1	Memphis, TN
4.	KIYS	270C	Jonesboro, AR
5.	WHRK	246C1	Memphis, TN
6.	KKEY(CP)	240A	Harrisburg, AR
7.	KWYN-FM	223C2	Wynne, AR
8.	KASU	220C1	Jonesboro, AR

It is noted that maximum class facilities were utilized to plot these contours except for actual licensed facilities for class C stations.

## **II. Population and Area Served**

The proposed allocation will provide a new FM aural service to an area of 2,516 square kilometers and a population of 15,126 (1990 Census).

## **III. Summary of Proposal**

Community	Present	Proposed	Coordinates
Cotton Plant, AR	-----	257A	N 34-55-47 W 91-09-44 (11.8 km southeast)

The proposed allocation of channel 257A to Cotton Plant, AR will provide that community with a first local service, and will provide a new FM aural service to a population of 15, 126 within an area of 2,516 kilometers based on a standard uniform 60 dBu of 28.3 km for a maximum facility class A.

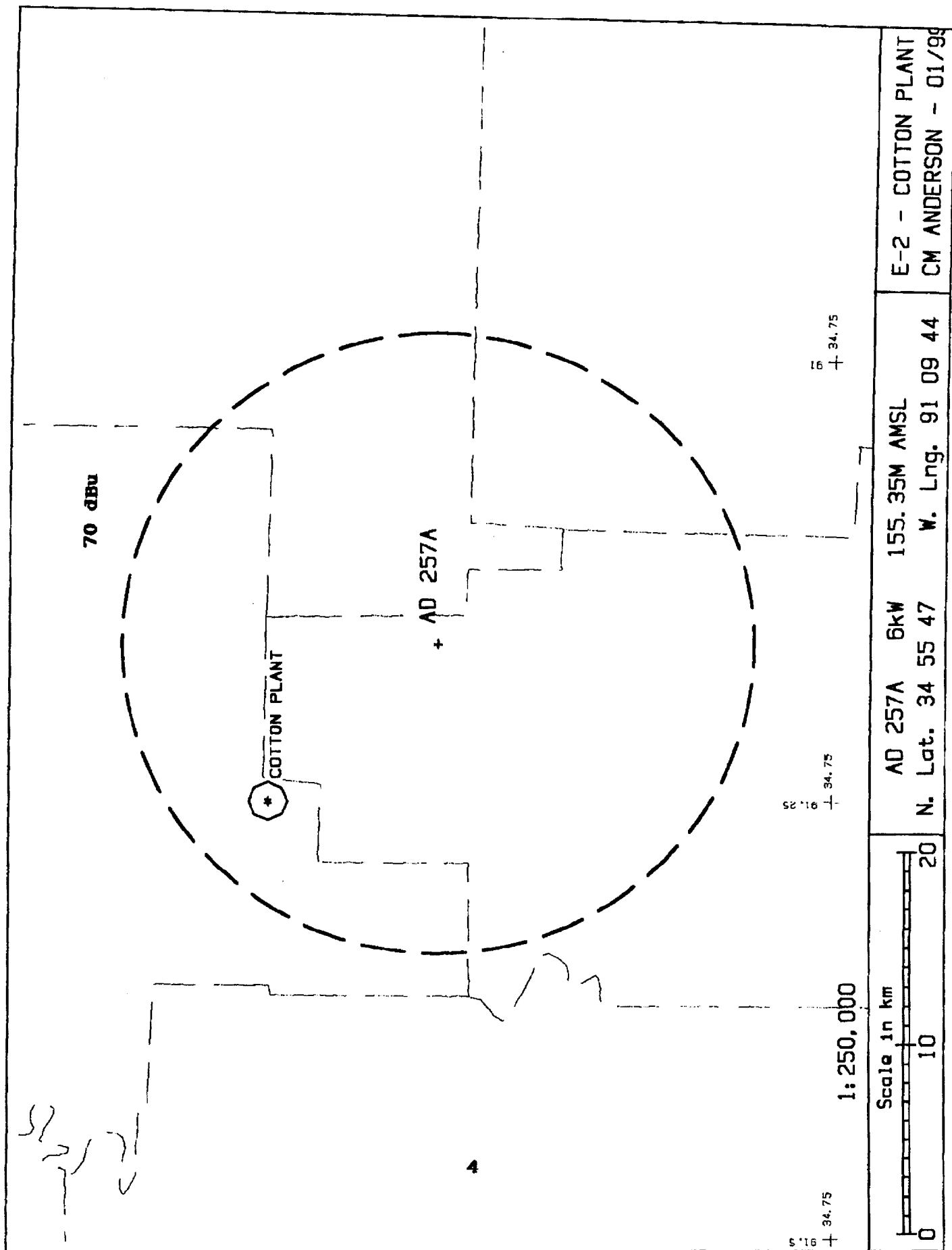
N. Lat. 34 55 47 W. Lng. 91 09 44 CH 257A SEARCHFM

Map showing towns and locations in North Dakota, centered around Fargo. The map includes a circular search area centered on Fargo, with a crosshair indicating the specific location. The towns shown include:

- Judsonia
- Korsett
- West Point
- Myron
- Center
- Griffith
- Georg
- Gregory
- Howell
- Dixie
- Nurten
- Cotton Plant
- Fargo
- Brinkley
- Goodwin
- Wheatley
- Haynes
- Felton
- Marianna
- LaGrange
- Lexa
- Holly Grove
- Ros
- Clarendon
- Monroe
- Moro
- De Valle
- Hazen
- Carlisle
- Des Arc
- Hickory Plains
- Grays
- Patterson
- Fair Oaks
- Parouse
- Wynne
- Colt
- Coldwell
- Round
- Forrest
- Madison
- Palatine
- Ulm

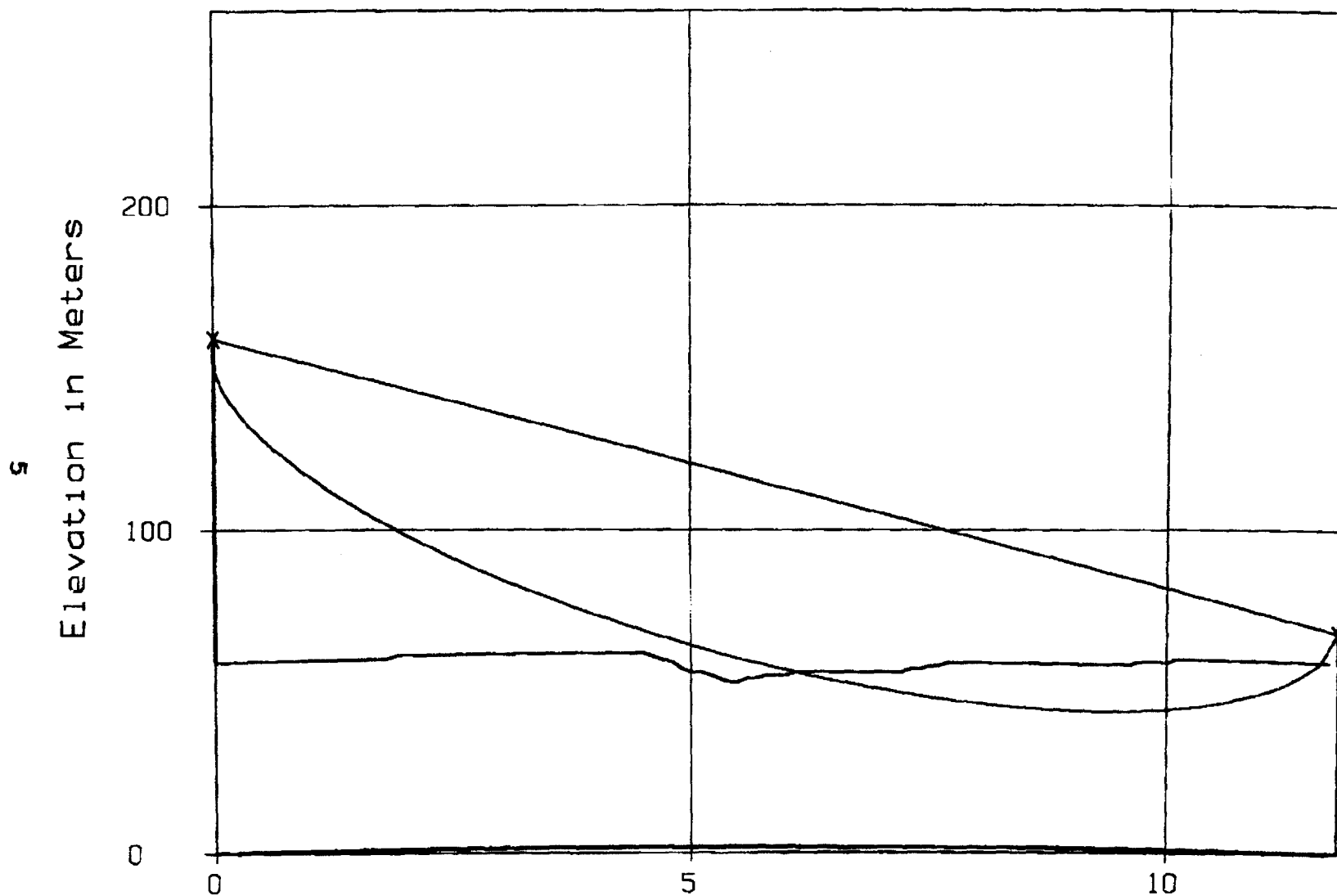
A scale bar is located at the bottom of the map.

Call	CH#	Location		D-KM	Azi	FCC	Margin
AD257	257A	Cotton Plant	AR	0.54	146.9	115.0	-114.46
AD257	257A	Cherry Valley	AR	66.06	24.1	115.0	-48.94
AP256	256A	Pangburn	AR	71.50	313.5	72.0	-0.50
KZYP	257A	Pine Bluff	AR	115.12	224.9	115.0	0.12
WYMX	256C	Greenwood	MS	166.66	154.1	165.0	1.66
WYMX.C	256C	Greenwood	MS	166.70	154.1	165.0	1.70
ALOPEN	256A	Pangburn	AR	82.76	314.3	72.0	10.76
AP256	256A	Pangburn	AR	88.83	314.5	72.0	16.83
WMCFM	259C	Memphis	TN	119.36	76.7	95.0	24.36
WMCFM	259C	Memphis	TN	119.39	76.7	95.0	24.39
KYFX	258A	Little Rock	AR	105.09	260.3	72.0	33.09
KWCKFM	260C2	Searcy	AR	91.75	309.1	55.0	36.75
KBTA FM	258A	Batesville	AR	111.10	339.9	72.0	39.10
KBTA FM	258A	Batesville	AR	111.63	339.4	72.0	39.63
KRRD.C	257A	Atkins	AR	157.39	282.3	115.0	42.39
KTMD	255C	Kennett	MO	159.71	33.0	95.0	64.71
DE255	255C	Kennett	MO	159.71	33.0	95.0	64.71
AD255	255C	Kaiser	MO	159.71	33.0	95.0	64.71





# TERRAIN PROFILE AT 316. DEGREES T. E-3 -- COTTON PLANT



Xmtr. AMSL = 158.97

Distance in km

Rcvr. AMSL = 68.14

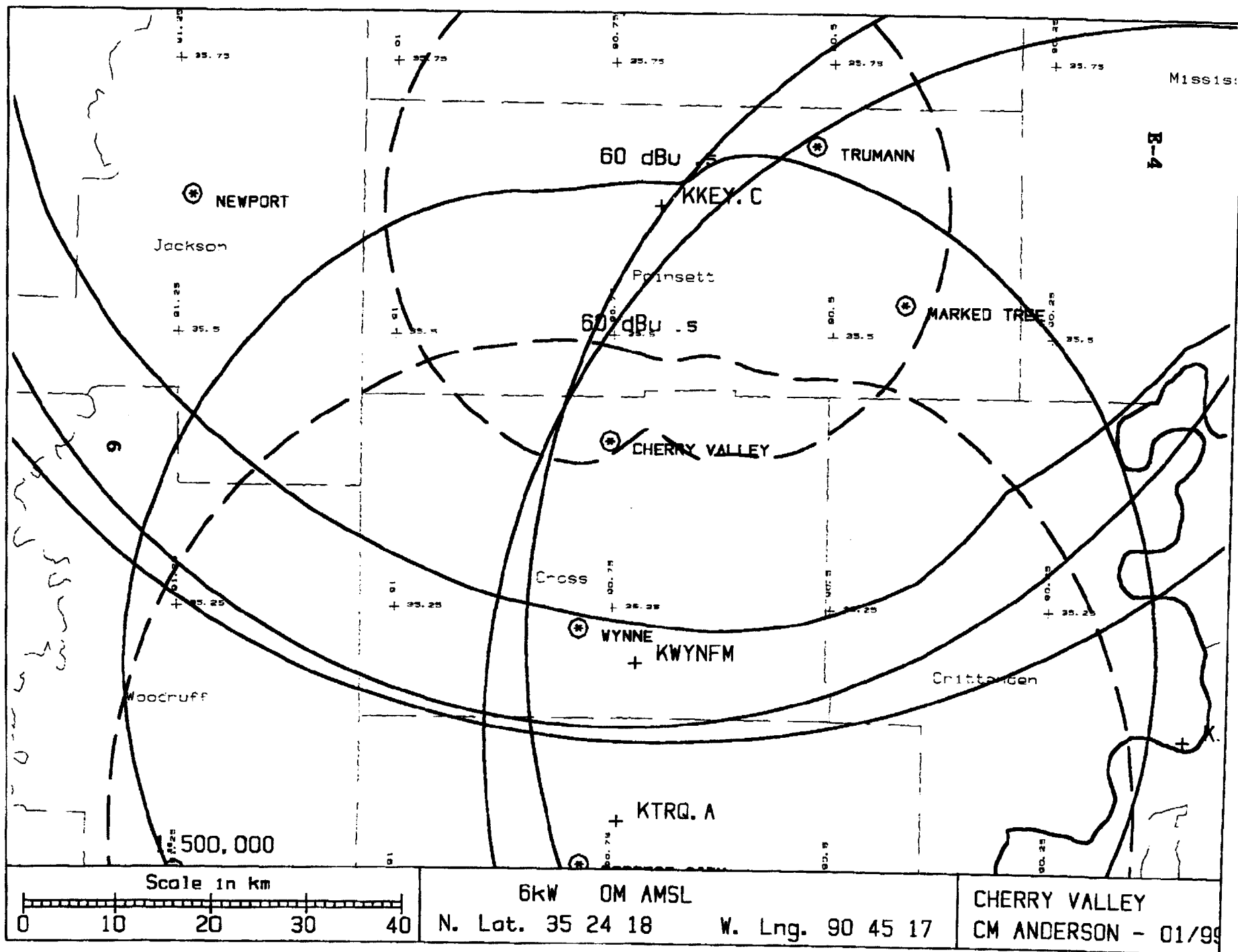
Xmtr. AG = 100

K = 1.33

Rcvr. AG = 9.1

Transmitter Site coordinates N. Lat. = 34 55 47

W. Lng. = 91 09 44



**CERTIFICATION**

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/   
Charles M. Anderson

January 31, 1999

Copyright (c) 1999, Charles M. Anderson.


**ENTITIES AND BUSINESSES IN COTTON PLANT**

Farmers Co-op Cotton Gin  
Citco Auto Fuel  
First Baptist Church  
Richmond Lodge No. 94  
Fouten Funeral Home  
U.S. Post Office  
White River Rural Health Center  
Cotton Plant Medical Clinic  
Cotton Plant Drug Store  
Edwards Beauty Supply  
Union Planters Bank  
Hulling Furniture  
Pyles Ranch House  
Pyles Grocery  
C.M. McGowan Office  
New Image Tans  
The Gift Basket  
Sonny's Smokehouse Bar B Q  
Cotton Plant City Hall  
Cotton Plant Water Department  
Arkansas Power & Light Co.  
Cotton Plant Public Library  
Temple of Praise Fellowship church  
Marge's Beauty & Barber Shop  
C.P. Carwash  
Nannie Scrappge's Drive-In Kitchen  
Cotton Plant Fire Department  
King's Grocery  
Cotton Plant United Methodist Church  
Taylor Chapel  
Cotton Plant Housing Authority  
Ash Grove M.B. Church  
GTE Phone Co.  
Cotton Plant Elementary School  
J.C. Babbs Community Center  
Cotton Plant Apartments  
Safe Harbor  
Cotton Plant High School  
Methodist Church - Cotton Plant  
Marianna Larger Parish  
Char Lyn's Hairstyling Salon  
Cotton Plant Water Filtration Plant  
Stewmon's Auto Parts  
Cotton Plant Police Department  
Antiques, Inc.  
Landmark Missionary Baptist Church  
Cotton Plant Warehouse

**CERTIFICATE OF SERVICE**

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that a true copy of the foregoing "Counterproposal" was sent this 1st day of February, 1999 by U.S. first class mail, postage prepaid, to the following:

Jean Hill  
ALALATEX  
6101 Bayou Road  
Mobile, AL 36605

  
\_\_\_\_\_  
Tracey S. Westbrook